

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

WSOC TELEVISION, INC.
OPPOSITION TO PETITION FOR RECONSIDERATION
OF FAYETTEVILLE-CUMBERLAND TELECASTERS, INC.

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Dated: July 18, 1997

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**OPPOSITION TO PETITION FOR RECONSIDERATION
OF FAYETTEVILLE-CUMBERLAND TELECASTERS, INC.**

WSOC Television, Inc. ("WSOC-TV"), licensee of NTSC television station WSOC-TV, Channel 9, Charlotte, North Carolina, by its attorneys, hereby opposes the petition for reconsideration of the Commission's *Fifth Report and Order* and *Sixth Report and Order* in the above-captioned proceeding^{1/} filed by Fayetteville-Cumberland Telecasters, Inc.

("FCTI"), licensee of WFAY(TV), Fayetteville, North Carolina. Displeased with its Channel 36 digital television ("DTV") allotment, FCTI seeks to move to DTV Channel 34. WSOC-TV opposes FCTI's request to change DTV channels because FCTI has failed to provide any evidence establishing that such changes would not cause substantial harmful interference to WSOC-TV's broadcasts on DTV Channel 34.

^{1/} *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (rel. Apr. 21, 1997); *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (rel. Apr. 21, 1997) ("*Sixth R&O*").

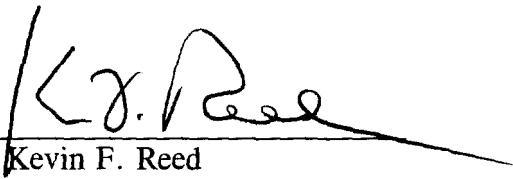
WSOC-TV has been assigned DTV Channel 34 in Charlotte, the television market immediately adjacent to the Raleigh-Durham market, where WFAY(TV) is located. Complaining that its current DTV channel allotment is unacceptable because it cannot relocate its transmitter site on that Channel, FCTI asks the Commission to assign WFAY(TV) to DTV Channel 34 instead. FCTI's proposal, however, does not meet the Commission's stated minimum standards for modifying the DTV Table of Allotments, as it fails to show that its operations on DTV Channel 34 would not result in new or additional interference to WSOC-TV. *Sixth R&O* at ¶¶ 29-33. FCTI fails even to specify to where it would move its transmitter site if WFAY(TV) is permitted to operate on DTV Channel 34, making it impossible for WSOC-TV to undertake its own interference analysis of the proposed allotment. Indeed, FCTI does not even acknowledge that other stations like WSOC-TV could be adversely affected by a change in WFAY(TV)'s channel assignment and transmitter location. Before the Commission may change WFAY(TV)'s allotment, FCTI must demonstrate that its proposed reallocation to DTV Channel 34 and transmitter relocation comply with the FCC's DTV rules.

WSOC-TV recognizes that anytime before August 22, 1997, FCTI may supplement its petition for reconsideration pursuant to the FCC's order allowing parties to supplement. Accordingly, WSOC-TV reserves the right to comment on any supplement Delta files. WSOC-TV also is in the process of conducting a detailed engineering analysis of WFAY(TV)'s proposal and reserves the right to supplement this opposition to include the results of that engineering study.

WSOC-TV requests that the Commission deny FCTI's request for DTV Channel 34 in the market adjacent to WSOC-TV unless and until FCTI demonstrates compliance with the FCC's rules and specifically demonstrates that "no new interference" will be created to WSOC-TV by the channel assignment.

Respectfully submitted,

WSOC TELEVISION, INC.

By: 
Kevin F. Reed
Elizabeth A. McGeary
H. Anthony Lehv

Its Attorneys

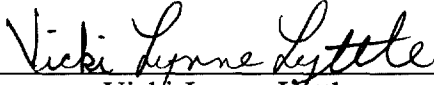
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CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, hereby certify that a true and correct copy of the foregoing Opposition to Petition for Reconsideration of WSOC Television, Inc. was sent by first-class mail, postage prepaid, this 18th day of July, 1997, to each of the following:

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Vicki Lynne Lyttle